

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

— v. —

BRIAN SWIENCINSKI, ET AL.,

*Defendants.*

**No. 4:18-cr-00368**

**ORDER ON BRIAN SWIENCINSKI’S OPPOSED MOTION FOR  
WITHDRAWAL AND RECONSIDERATION OF THE COURT’S ORDER  
DENYING HIS MOTION TO DISMISS ON DOUBLE JEOPARDY GROUNDS,  
AND MOTION TO MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Brian Swiencinski’s Opposed Motion for Withdrawal and Reconsideration of the Court’s Order Denying His Motion to Dismiss on Double Jeopardy Grounds, and Motion to Make Findings of Fact and Conclusions of Law is **GRANTED**.

The Court **WITHDRAWS** its order of April 4, 2023, denying Mr. Swiencinski’s opposed motion to bar a retrial based on double jeopardy.

The Court **ORDERS** the Government to respond to Mr. Swiencinski’s opposed motion to bar a retrial based on double jeopardy by April 28, 2023.

The Court **SETS** Mr. Swiencinski’s opposed motion to bar a retrial based on double jeopardy for a hearing on May 4, 2023, at 2:30 p.m.

The Court will make explicit findings of fact and conclusions of law on the double jeopardy motion at a future date.

IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
The Honorable Alfred H. Bennett  
United States District Judge